

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10027-PBS
)
 MATTHEW VICKERS)

DEFENDANT'S ASSENTED-TO MOTION
FOR LEAVE TO FILE MOTION TO SUPPRESS LATE

Defendant, Matthew Vickers, moves that this Court grant leave to file his Motion to Suppress, previously scheduled to be filed by April 22, 2004, to May 26, 2004.

As support for this Motion, the defendant through counsel states the following:

1. The defendant is charged with violations of 21 U.S.C. 841(a)(1). The government has also filed an information alleging that defendant has been previously convicted of a felony drug offense. Consequently, defendant faces the possibility of a ten year minimum sentence pursuant to 21 U.S.C. § 841.

2. By Order dated April 1, 2004, Chief Magistrate Judge Bowler set a deadline of April 22, 2004 to file the motion. Under the local rules, the government's response would have been due May 6, 2004. Judge Bowler's Order also returned the case to the Court for scheduling.

3. Counsel for defendant was not able to file his Motion to Suppress and until this day. The Federal Defender Office generally, and undersigned counsel in particular, has recently

been enduring an unusually high caseload. Since receiving the order to file the Motion to Suppress, counsel has been involved in preparing for two trials, one of which, United States v. Eddy Pierre, No. 02-10221-RCL, took place before Judge Lindsay at the end of April and beginning of May. The other, United States v. Carlos Rua, No. 03-10117-PBS, was scheduled to go to trial May 17, 2004 before this Court but was continued at the government's request. Moreover, counsel for defendant has participated in three contested sentencing hearings within the past two months.

4. Defendant's motion to suppress has been filed electronically this day.

5. Chief Judge Bowler's April 1, 2004 Order the time up to the scheduled April 22, 2004 filing excludable from the Speedy Trial Act. The defendant agrees that the Court should further exclude the time from April 22, 2004 to May 25, 2004 pursuant to 18 U.S.C. § 3161(h) (1) (F).

6. The government assents to this motion.

MATTHEW VICKERS,
By His Attorney:

/s/ Timothy Watkins
Timothy Watkins
B.B.O. #567992
Federal Defender Office
408 Atlantic Ave., Third Floor
Boston, MA 02110
(617) 223-8061